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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,007	03/19/2004	Harold E. Mattice	IGT1P212/P-864B	7795
22434	7590	04/28/2008		
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER DHILLON, MANJOT K	
			ART UNIT	PAPER NUMBER
			3714	
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			04/28/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,007

Applicant(s)

MATTICE ET AL.

Examiner

MANJOT K. DHILLON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's response filed on 2/12/08.

Applicant cancels claims 1-13, amends claim 14, and responds to rejections. Claims 14-18 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 14-18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bertram et al. (US 6476798 B1).

Concerning claim 14, Bertram et al. teaches a gaming apparatus, comprising: a display unit; a value input device; a touch screen unit including **[column 2, lines 8-11]**: a configurable clock generator to generate a clock signal having a configurable clock frequency, the configurable clock generator having an oscillator **[column 5, lines 11-17]**, a phase locked loop coupled to the oscillator **[fig. 4]**, and a configurable frequency divider coupled to the phase locked loop **[fig. 6a]**; a sinusoid generator coupled to a plurality of electrodes of a touch screen for generating a plurality of sensed signals indicative of signals flowing from the plurality of electrodes **[column 4, lines 17-27]** and coupled to the configurable clock generator **[fig. 4]**, the sinusoid generator adapted to generate first and second sinusoidal signals having frequencies based on the clock frequency, wherein the first sinusoid signal can be generated at 90 degrees out of phase with the second sinusoidal signal **[Fig. 5a, column 4, lines 59-62, column 5, lines 11-34 and column 6, lines 18-51]**; a plurality of sensors coupled to the plurality of electrodes and configured to: receive both the sensed signals and the first and

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second sinusoidal signals, wherein the first sinusoid signal is 90 degrees out of phase with the second sinusoidal signal **[Fig. 4, Fig. 5a, column 4, lines 55-62]**; and generate based on the first and second sinusoidal signals, modified sensed signals indicative of signals flowing from each electrode of the plurality of electrodes as modified by the first and second sinusoidal signals **[column 4, lines 17-27 and column 5, lines 20-60]**; and a touch position calculator coupled to the plurality of sensors adapted to generate an estimate of a touch position based on the modified sensed signals as affected by the first and second sinusoidal signals **[column 8, lines 26-50]**.

Bertram et al. teaches a main controller operatively coupled to the display unit, the value input device, and the touch screen unit, the main controller comprising a main processor and a main memory operatively coupled to the main processor **[figs. 6a and 6b]**, the main controller being programmed to receive value input data via the value input device, the main controller being programmed to cause the display unit to generate a first game display relating to one of the following games: poker, blackjack, slots, keno or bingo **[column 2, lines 8-11]**. Bertram et al. teaches the main controller being programmed to receive player input data via the touch screen unit **[column 5, lines 20-34, fig. 6a and 6b]**, the main controller being programmed to determine a value payout associated with an outcome of the game **[column 2, lines 8-11]**. Using the touch screen with an electronic slot machine encompasses games such as: poker, blackjack, slots, keno, bingo or any other game which all would determine payout according to the game played. This is something that at the time of the applicant's invention was well known in the art.

Concerning claim 15, Bertram et al. teaches the main controller is further programmed generate the estimate of the touch position based on estimates of amplitudes of the sensed signals **[column 16, lines 18-51]**.

Concerning claim 16, Bertram et al. teaches the main controller is further programmed to control the configurable clock frequency of the configurable clock generator **[column 5, lines 11-34]**.

Concerning claim 17, Bertram et al. teaches the touch screen unit comprises a touch screen controller **[fig 5a., elements 106 a-d]** operatively coupled to the main controller **[fig. 4, element 446]**, the touch screen controller comprising a touch screen processor **[fig 4., element 450]** and a touch screen memory operatively coupled to the touch screen processor **[fig. 6a and 6b]**, the touch screen controller being programmed to generate the estimate of the touch position based on estimates of amplitudes of the sensed signals **[column 6, lines 18-51]**.

Concerning claim 18, Bertram et al. teaches the touch screen unit comprises a touch screen controller **[fig. 5a, elements 106 a-d]** operatively coupled to the configurable clock generator **[fig. 5b, element 441]**, and the main controller **[fig. 4, element 446]**, the touch screen controller comprising a touch screen processor and a touch screen memory operatively coupled to the touch screen processor **[fig. 6a and 6b]**, the touch screen controller being programmed to control the configurable clock frequency of the configurable clock generator **[column 5, lines 11-34]**.

Response to Arguments

6. Applicant's arguments with respect to claims 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANJOT K. DHILLON whose telephone number is (571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

Robert E. Pezzuto
Examiner
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/M. K. D./
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